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 Attorney for Plaintiff and Counter-Defendant Andrew Sawyer

IN THE UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF MISSOURI
 EASTERN DIVISION

MISSOURI PRIMATE FOUNDATION, et.)	Case no. 4:16 CV 2163 CDP
al.,)	
)	
Plaintiffs and Counter-Defendants,)	DECLARATION OF COUNTER-
)	DEFENDANT ANDREW SAWYER IN
vs.)	SUPPORT OF OPPOSITION TO COUNTER-
)	CLAIMANT MOTION FOR ORDER TO
PEOPLE FOR THE ETHICAL TREATMENT)	SHOW CAUSE RE CIVIL CONTEMPT RE
OF ANIMALS, INC., et. al.,)	AUGUST 24 TH ORDER
)	
Defendant and Counter-Plaintiff.)	
)	
)	
STATE OF NEVADA)	
)	ss.
COUNTY OF CLARK)	

I, Andrew Sawyer, being first duly sworn, depose and say:

1. I am one of the Plaintiffs and Counter-Defendants in this civil action and make this declaration solely for purposes of asserting my rights against self-incrimination under the 5th and 14th Amendments to the US Constitution as well as my rights against self-incrimination under Article 1, Section 19 of the Missouri Constitution.

2. I have read that Defendant and Counter-Plaintiff PETA has alleged that “Upon information and belief, at some time after receiving the Notice and before February 2, 2017,

Counterclaim Defendant Sawyer removed chimpanzee Joey from MPF, where Joey was being held indefinitely, and transferred him to an unknown location.”

3. I am aware that the provision of information in support of such allegations may form the basis for a federal agency or prosecutor to eventually investigate, charge, and prosecute federal crimes regarding them, including per 16 U.S.C. Section 1540(b)(1), crimes which carry potential penalties of up to \$50,000 and imprisonment in a federal prison facility for up to a year.

4. I have read and am aware that the Court’s August 24th Order demands that I “transfer” the chimp Joey to the Center for Great Apes and “confer with counsel” for PETA to facilitate, cooperate with, assist with, and otherwise lend any support necessary to effectuate the transfer.

5. I am unable to presently comply with the terms of that order since were I to engage in any of the tasks as ordered I am aware that I would then be directly or indirectly providing PETA and a federal agency or prosecutor potentially incriminating information, including an inventory of a source of potentially incriminating evidence against myself that would in effect be the equivalent of answering an interrogatory or a series of questions at a discovery deposition. Engaging in any of the tasks ordered would constitute a waiver of my constitutional rights and I do not want to waive those rights but wish to assert them instead.

6. I am unable to presently comply with the terms of the order since “conferring with counsel” and “facilitating, cooperating with, assisting with, and otherwise lending any support necessary to effectuate the transfer of Joey” would require me making a statement to another person and would comprise an acknowledgment in some form that I somehow had or have ownership and control over the chimp Joey, and would thus expose me to potential prosecution for federal crimes relating to his ownership or control. I do not want to be so


exposed and thus I hereby assert my constitutional protections under the U.S. Constitution and the Missouri Constitution against being compelled to make any such statements or acknowledgment that would tend in any manner to expose me to such a risk.

7. I therefore raise the affirmative defense of impossibility and respectfully submit that my constitutionally protected assertion of my rights against self-incrimination under the 5th and 14th Amendments to the US Constitution, as well as of my rights against self-incrimination under Article 1, Section 19 of the Missouri Constitution, is not conduct in contempt of the Court's August 24th order, but instead provides a legitimate basis for the Court to find a valid present inability, a legitimate excuse, and/or an allowable exemption from my compliance with its order.

8. I am competent to testify to the foregoing of my own personal knowledge, except for those matters stated upon information and belief, which such matters I do believe to be true.

Executed this 16th day of November 2020, at Clark County, Nevada.

I declare under penalty of perjury under the laws of the United States and of the state of Missouri that the foregoing is true and correct.


Andrew Sawyer

Respectfully submitted,

DATED: November 11, 2020

GEORDIE DUCKLER, P.C.

1 **CERTIFICATE OF SERVICE**

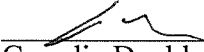
2 I certify that on the 11th day of November 2020, the foregoing COUNTER-
3 DEFENDANT ANDREW SAWYER'S OPPOSITION TO COUNTER-CLAIMANT MOTION
4 FOR ORDER TO SHOW CAUSE RE CIVIL CONTEMPT RE AUGUST 24TH ORDER;
5 DECLARATION OF COUNTER-DEFENDANT ANDREW SAWYER IN SUPPORT OF
6 OPPOSITION TO COUNTER-CLAIMANT MOTION FOR ORDER TO SHOW CAUSE RE
7 CIVIL CONTEMPT RE AUGUST 24TH ORDER was electronically filed with the Clerk of the
8 Court using the CM/ECF system, by which notification of such filing was electronically sent and
9 served on the following:
10

11 Victor Essen vessen@rssclaw.com
12 Debbie Champion dchampion@rssclaw.com
13 *Attorneys for Plaintiffs/Counter-Defendants*
14 *Connie Braun Casey and Missouri Primate Foundation*

15 Martina Bernstein, MartinaB@petaf.org
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20 *Attorneys for Defendants/Counter-Claimants*
21 *People for the Ethical Treatment of Animals, Inc.*
22 *and Angela Scott*

23 DATED this 11th day of November, 2020

24 **GEORDIE DUCKLER, P.C.**

25 By: 
26 Geordie Duckler, OSB No. 873780
Attorney for Plaintiff/Counter-Defendant
Andrew Sawyer